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Testimony of Shirley Bergert¹ Before the Appropriations, Human Services, and Energy & Technology Committees

Regarding the 2009-2010 Low Income Energy Assistance Program Block Grant Allocation Plan September 15, 2009

Connecticut Legal Services serves low income households, the intended beneficiaries of the energy assistance program. These are our vulnerable neighbors at greatest risk in maintaining necessary utility and energy services.

Restore benefit cuts proposed by the Department of Social Services (DSS) and the Office of Policy and Management (OPM) to actual benefits provided last winter.

Utility heated households: The Plan proposes \$287 reductions in every benefit category for utility heated households when compared to actual benefits provided last winter.² These cuts are between 24.6% and 35%.

Deliverable fuel heated households: The Plan proposes \$45 reductions in every basic benefit category for deliverable fuel heated households when compared to benefits provided last winter. These cuts are between 5% and 7%. Additional cuts are proposed for deliverable fuel customers in potential crisis and safety-net benefits:

- 51% reduction from \$2440 last winter to \$1200 this winter for "vulnerable" households with a member over age 60, under age 6 or disabled with income up to 150% FPL (\$0 to \$1821/mo. for a couple);
- 43.5% reduction from \$1815 last winter to \$1025 this winter for so-called "non-vulnerable" households with income up to 150% FPL (\$0 to \$1821/mo. for a couple);
- 29% reduction from \$565 last winter to \$400 this winter for households between 150% and 200% FPL (\$1821 to \$2428/mo. for a couple).

While the final level of federal funding is not yet available, there is reason to be optimistic that adequate funding will be available to provide assistance at last year's benefit levels. Planning for more realistic benefit levels upfront impacts payments requested of utility heated households in the arrearage forgiveness program, reducing customer payments to ensure a higher level of affordability. This past winter the program was significantly under-expended when it closed. An additional \$242 was provided to utility

¹ Member of the Low Income Energy Advisory Board, the Energy Conservation Management Board, the Fuel Oil Conservation Board, and the Advisory Board of the Institute for Sustainable Energy.

² This includes benefit levels listed in last year's plan and the \$242 supplemental benefit payment made during summer 2009.

heated households (bringing these households to a benefit level that was, on average, \$45 less than total benefits received by deliverable fuel heated households).³ These funds were not taken into account in setting arrearage forgiveness monthly payments as this cannot be done retroactively. DSS and OPM also obtained legislative approval this summer to retroactively pay last winter's heating bills for shelters -- and CT still has \$12,588,656 carried forward to cover the cost of intake beginning August 3rd and other program expenses.

Require DSS and OPM to seek input of the Low Income Energy Advisory Board (LIEAB) for benefits provided pursuant to Section XIV of the Plan, "Additional Benefits/Services."

LIEAB is charged by statute to "advise and assist" OPM and DSS "in the planning, development, implementation and coordination of energy-assistance-related programs and policies. . . and shall make recommendations to the General Assembly regarding . . . plans subject to legislative approval to ensure affordable access to residential energy services to low-income state residents." CGS §16a-41b(b).

Section XIV of the Plan authorizes DSS and OPM to determine how to expend funds above the amount needed to meet benefits specified in the Plan. No provision is made in the Plan for review by any entity, including LIEAB and the legislative committees of cognizance. DSS has declined to adopt regulations that would guide its actions. And it does not always seek LIEAB input, ignoring CGS §16a-41b(b). For example, LIEAB's membership was not notified that DSS and OPM were seeking legislative approval to retroactively pay shelter heating bills, nor was LIEAB notified of the public hearing on this matter held last month. This is not acceptable. However laudatory any decision may be, it should be subject to scrutiny regarding whether it is the most appropriate expenditure of the funds under the circumstances.

We support the recommendations of the Low Income Energy Advisory Board regarding language modification for this section of the Plan, including suggestions regarding potential benefits, coordination with other resources and LIEAB review of DSS and OPM plans for expenditure.

Preclude requirement of provision of a Social Security number as a condition of receipt of energy assistance benefits. The Plan proposes to continue the practice of the past two winters, requiring Social Security numbers of all household members (with limited exception often difficult to apply) as a condition of eligibility for assistance. Initially DSS sought to include this requirement as a surrogate for identification of ineligible immigrants, but modified its claimed basis when the Attorney General indicated DSS could not legally use it as intended, and it could not legally require the CAAs to verify citizenship status. There is no evidence that the SS number requirement over the last two years has resulted in any significant fraud prevention. Many qualified immigrants are precluded from accessing needed energy assistance because they do not have a SS number; some immigrants who are not eligible have a SS number. Additionally, the Plan's definition of a "non-qualified alien" is inconsistent with federal law regarding eligibility. I am prepared to provide you with detailed information and legal citations regarding this matter. [Plan, p.3, sec. II.P. & Q. and sec. III definition of "non-qualified alien"; p. 6-7, sec. V. H.-J.; p. 8, sec. VII, ¶ 2]. Misunderstandings regarding immigration status requirements can leave vulnerable households without needed heating assistance -- understanding the many immigration statuses is very challenging.

³ Note that Conn. Gen. Stat. sec. 16a-41a(a)(1)(E) provides for parity in benefits under the energy assistance program, regardless of heat source.